

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JAMES WILLIAMS,

Plaintiff,

v.

Case No.: 2:21-cv-63-KCD

COMMISSIONER OF SOCIAL
SECURITY,

Defendants.

_____ /

ORDER

Having obtained an award of benefits, James Williams's attorney, Carol Avar, requests attorney's fees under 42 U.S.C. § 406(b). (Doc. 29.) Defendant has no opposition.

Section 406(b) provides that an attorney who obtains a benefits award on remand may petition for a reasonable fee—not to exceed twenty-five percent of the claimant's past-due benefits—for work performed before the court.

Here, Avar requests \$27,476.25, which is 25 percent of past-due benefits. Avar asserts that the previously EAJA award of \$8,515.64 will be returned to Plaintiff. *See Paltan v. Comm'r of Soc. Sec.*, 519 F. App'x 673, 674 (11th Cir. 2013) (noting that the attorney has the option of either refunding the EAJA award to the plaintiff directly or reducing the § 406(b) award). For

the reasons stated in Williams's unopposed motion, the requested fee is both reasonable and appropriate under § 406(b).

Accordingly, the unopposed fee motion (Doc. 29) is **GRANTED**. The clerk will enter judgment for Williams for \$27,476.25 in attorney's fees under 42 U.S.C. § 406(b).

ORDERED in Fort Myers, Florida this July 31, 2023.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record